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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,525	04/15/2004	Yuji Kanome	03500.018076.	6590
5514 7590 11/10/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
MCCLAINE, GERALD				
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3653				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,525

Applicant(s)

KANOME ET AL.

Examiner

GERALD W. MCCLAIN

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11, 13, 14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13, 14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 September 2008 has been entered.

Claim Rejections - 35 USC § 102

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Trask, et al. (U.S. 5,116,034) ("Trask").

Claim 1: first stacking portion (26); second stacking portion (34); base member (20); tray (34); guide groove (54, 50, and 52); recording means (column 1, line 7); supplying roller (60).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Honda (Japanese Patent 61-127531).

Claim 1: first stacking portion (1); second stacking portion (40); base member (31); tray (43); guide groove (54); recording means (English abstract); supplying roller (56).

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-11, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hewlett-Packard OfficeJet 600 Series Device ("HPOJ"; see "Examiner's Exhibit A" in the Office Action dated 12 March 2007) in view of Trask. HPOJ discloses:

Claims 1 and 2: first stacking portion (3B; see the attached "Examiner's Exhibit A", page 3, letter B); second stacking portion (3C); base member (structure that connects 3C to 3B); (NOTE: in lines 7-10, the conditional phrases ("when") are construed such that they do not occur.)

Claims 1 and 2: supplying roller (NOTE: there is implicitly a roller provided in HPOJ; either the first stacking portion or the second stacking portion is supplied by the supplying roller, but not necessarily both);

Claims 3 and 4: blocking lever (2D); an end portion of the sheet (4D); a sheet supplying route (3G);

Claim 5: a regulating portion (24);

Claim 6: second stacking portion (3C);

Claim 7: guide member (2C);

Claims 8: a shape protruding on the upstream side (2C);

Claims 9 and 10: cover member (3H);

Claims 11: regulating member (3J).

HPOJ does not *directly* show a tray with a guide groove.

Trask shows a similar device having a tray with a guide groove (34 with 54, 50, and 52) for the purpose of provide an improved, automatic, envelope/sheet feed mechanism (column 1, lines 48-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Trask and include Trask's similar device having a tray with a guide groove for the purpose of provide an improved, automatic, envelope/sheet feed mechanism.

Claim 1, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang (U.S. 6,315,280) in view of Trask. Jang discloses:

Claim 1: first stacking portion (21); second stacking portion (11); supplying roller (31); base member (structure that connects 11 to 21).
Jang does not *directly* show a tray with a guide groove.

Trask shows a similar device having a tray with a guide groove (34 with 54, 50, and 52) for the purpose of provide an improved, automatic, envelope/sheet feed mechanism (column 1, lines 48-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Jang as taught by Trask and include Trask's similar device having a tray with a guide groove for the purpose of provide an improved, automatic, envelope/sheet feed mechanism.

Claims 13, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask and further in view of Jang and Watanabe, et al (U.S. 5,109,236) ("Watanabe"). HPOJ teaches all the limitations of the claim as discussed above. HPOJ does not directly show a sheet type discriminating sensor or a tray position detecting sensor.

Watanabe shows said sheet type discriminating sensor (1, 2) for the purpose of determining the type of the sheets (entire abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Watanabe and include Watanabe's index sheet type discriminating sensor for the purpose of determining the type of the sheets.

In addition, Jang shows a tray position detecting sensor for sensing whether documents are loaded (abstract, line 4). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Jang and include Jang's tray position detecting sensor for sensing whether documents are loaded.

Claim 14, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask. HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show an index on the first stacking portion as a line or a character.

HPOJ shows said index on the first stacking means as a line or a character for the purpose of indicating the size of the sheet (3E). Therefore, it would have been

obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by HPOJ and include HPOJ's index as a line or character on the second stacking means for the purpose of indicating the size of the sheet.

Claims 18, as understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over HPOJ in view of Trask and further in view of Teo, et al (U.S. 6,942,211) ("Teo"). HPOJ teaches all the limitations of the claims as discussed above. HPOJ does not directly show a cover member or a sub cover member.

Teo shows said cover member (108) and sub cover member (120) for the purpose of folding up out of the way when necessary (column 2, line 52). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify HPOJ as taught by Teo and include Teo's cover member and sub cover member for the purpose of folding up out of the way when necessary.

Response to Arguments

Applicant's arguments filed 23 September 2008 have been fully considered but they are not persuasive.

[1] Trask et al. discloses that a paper sheet tray 26 and an envelope tray 34 are detachable from a printer. A central feed roller 60 is rotated in the counter-clockwise direction when it contacts a topmost sheet on the stack 28 to feed a sheet from the tray 26, and to feed an envelope from the envelope tray 34, a feed roller 48 contacts the lowermost envelope of the tray 36 and is rotated in a clockwise direction. Thus, in Trask et al., a direction of rotation of the roller in feeding a sheet from the tray 26 is opposite of the direction of a roller in feeding an envelope from tray 34. Thus Trask et al. differs from Applicants' invention as recited in claim 1.

[2] The HP Office Jet 600 Series Device features an apparatus with a first stacking portion and a second stacking portion. However, the HP device is silent as to the characterizing features of Applicants' invention wherein when the tray moves upstream in a sheet supplying direction along the guide groove, the supplying roller is rotated in a first

direction to supply the sheet stacked on the first stacking portion while when the tray moves downstream in the sheet supplying direction along the guide groove, the supplying roller is rotated in the same first direction to supply the sheet stacked on the second stacking portion. Thus, The HP Office Jet 600 Series Device is silent as to the roller being moved in the same direction for the second stacking portion as for the first stacking portion.

[3] Jang does not meet any of the above shortcomings of Trask et al. or The HP Office Jet 600 Series Device. More specifically, Jang does not disclose or suggest the characterizing of Applicants' invention where the supplying roller of the first stacking portion rotates in the same direction as the supplying roller of the second stacking portion.

Applicant did not explicitly argue the 103(a) rejection of Jang (primary reference) in view of Trask (p. 4) or the 103(a) rejection of HPOJ in view of Trask and further in view of Teo (p. 6) in the last Office Action.

Re. [1], first and second stacking portions 26 or 34 may not move in the upstream or downstream direction, i.e., a tray-stationary-position condition is not claimed (the conditional language is not exhaustive). Therefore, the structure of Claim 1 is anticipated by Trask.

Re. [2], first and second stacking portions 3B and 3C may not move in the upstream or downstream direction, i.e., a tray-stationary-position condition is not claimed (the conditional language is not exhaustive). Therefore, the structure of Claim 1 is rendered obvious over HPOJ in view of Trask.

Re. [3], Jang does disclose that the supplying roller 31 supplies the sheets on the first and second stacking portions 21 and 11 in the (same) first direction since the supplying roller 31 is above both the first and second stacking portions 21 and 11. See FIG. 5 below.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is (571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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